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Naming Names

You've all heard the story (true) about the Englishman who was prosecuted under the Official Secrets Act for writing the name of a British spy in the sand as the tide was coming in. A law of similarly draconian implications has been proposed on this side of the water by Representative Edward Boland (D., Massachusetts). Representative Boland's bill, known as the Intelligence Identities Protection Act, would impose penalties of varying severity on intelligence personnel and private citizens who reveal the identity of undercover agents of the Central Intelligence Agency, depending on whether the individual who publishes the information had "authorized access" to the information or obtained it from non-classified sources.

The bill would thus not only throttle potential whistleblowers inside the C.I.A., it would also affect journalists, authors and scholars who write about it. Representative Boland admits that his bill is "controversial," since it "could subject a private citizen to criminal prosecution for disclosing unclassified information obtained from unclassified sources." Precisely the point, we would think. We are revealing no secrets when we identify the bill's immediate target as publications such as *Covert Action Bulletin*, a Washington newsletter that prints names of C.I.A. agents obtained by assiduous combing of Foreign Service personnel lists and other public sources. How can the Government punish someone who reveals information deduced from unclassified sources? Well, says Boland lamely, "the unauthorized disclosure of the name of an undercover agent is no less damaging to the national security and no more beneficial to the public because it was disclosed by a private citizen instead of a C.I.A. employee."

We would argue that—freedom of the press aside—such reporting performs a service; it tells the C.I.A. which of its agents are most likely to be "blown," enabling it to take appropriate measures and even clear out nonproductive sources. Boland's bill makes the dubious assumption that American investigative reporters are more effective and accurate than foreign counterintelligence operatives—which, given the modest resources allocated to investigative reporting by American newspapers, will come as a surprise to media critics.

The hard case of publishing names of C.I.A. operatives notwithstanding, the badness of this law is, of course, its wider applicability. If such a law had been in effect in the days of Watergate, could Bob Woodward and Carl Bernstein have been prosecuted for revealing Howard Hunt's C.I.A. ties? Boland's bill, which is backed by thirteen fellow members of the House Intelligence Committee, is dubious because of the narrowness of its aim and the potential breadth of its effects.